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W.P.No.35553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35553 of 2024

K.SampathKumar

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazutha Reddy P.O,
Post Box No.56, Villupuram 605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd,
Vellore Region, Rangapuram,
Vellore – 632 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pay a sum of Rs.1,92,529.00 towards difference in leave salary and gratuity based on 3% D.A. Increase from 01.01.2019, 15 days earned leave salary surrendered in 2018 and unpaid 11 days salary for the period from 21.01.2019 to 31.01.2019 with 10% interest to the petitioner and pass orders.



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For Petitioner : Mr.S.T. Varadarajulu

For Respondents : Mr.Venkatesa Perumal
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of Mandamus directing the second respondent to pay a sum of Rs.1,92,529.00 towards difference in leave salary and gratuity based on 3% D.A. Increase from 01.01.2019, 15 days earned leave salary surrendered in 2018 and unpaid 11 days salary for the period from 21.01.2019 to 31.01.2019 with 10% interest to the petitioner and pass orders.

3. The case of the petitioner is that he is an retired employee from the Respondent/Corporation. The grievance of the petitioner is that the respondent management calculated the gratuity on the basis of 9% DA instead of 12%, due to which there was difference. Hence, the petitioner



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has filed this writ petition seeking to pay the difference amount and to pay the interest amount for the belated amount. Therefore, the petitioner gave a representation to the second respondent on 20.01.2024 with regard to the said issue. However, no action has been taken by the respondent till date. Hence this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the petitioner's representation and pass orders.

5. The learned standing counsel appearing for the respondent submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6.Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the representation of the petitioner and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a



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copy of this Order with 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear, that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

28.11.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To
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V.BHAVANI SUBBAROYAN,J.

Smn

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